



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 8, 1996

Ms. Cindy L. Stafford
City of Stephenville
354 North Belknap
Stephenville, Texas 76401-3499

OR96-2062

Dear Ms. Stafford:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101666.

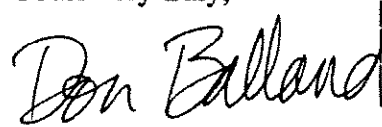
The City of Stephenville (the "city") received a request for four categories of information concerning the city's tax abatement and economic incentive rules. You claim that one letter responsive to the request is excepted from required public disclosure by sections 552.107 and 552.111 of the Government Code. We have considered the exceptions you claim and have reviewed the letter at issue.

You assert that a letter from the city attorney to the city administrator is excepted from disclosure because it reveals the attorney's advice and opinion. Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. Open Records Decision No. 574 (1990) at 5. When communications from attorney to client do not reveal the client's communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney's legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We find that the letter at issue here reveals the attorney's legal opinion or advice. The city may withhold the letter under section 552.107.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101666

Enclosure: Submitted document

cc: Mr. Brad Allen
Route 1
Stephenville, Texas 76401
(w/o enclosure)